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OFFICE OF PETITIONS

In re Application of	:
John Border et al.	:
Application No. 09/662,072	:
Filed: September 14, 2000	:
Attorney Docket No.: PD-2000053	:
Title: PERFORMANCE ENHANCING	:
PROXY AND METHOD FOR ENHANCING	:
PERFORMANCE	:

This is a decision on the renewed petition filed on January 18, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed June 22, 2005, which set a shortened statutory period to reply for one month. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on July 23, 2005. A Notice of abandonment was mailed on April 9, 2007.

An original petition was filed on July 30, 2007, and was dismissed via the mailing of a decision on December 10, 2007.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**.
The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the restriction requirement of June 22, 2005, and will set a new period for response.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.